

## X. VARIANCES

### X.1 POWER TO GRANT VARIANCES

Where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation or condition peculiar to a particular piece of property, the strict application of any provisions of these regulations would result in exceptional demonstrable, unnecessary hardship, the Planning Commission, upon receiving a complete application for relief and after reviewing a recommendation from the Planning Department, shall have the power to grant a variance from such strict application so as to relieve such demonstrable difficulties or hardships, subject to the requirements of this section.

### X.2 APPLICATION FOR VARIANCE

- 1) The applicant shall submit a written application for a variance demonstrating:
  - i) That there exist special conditions and circumstances of the type specified in subsection X.1, which are peculiar to the land, structure, or building involved and which are not applicable to other lands or structures in the same district;
  - ii) That said special conditions and circumstances do not result from the actions of the applicant;
  - iii) That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations.

### X.3 PUBLIC HEARING ON APPLICATION

The Planning Commission shall hold a public hearing on the application.

At least one (1) notice of hearing shall be placed on the property or structure, by the City, at least ten (10) days prior to the Planning Commission meeting at which the property or structure is to be considered.

### X.4 FINDINGS

The Planning Commission, after receiving a recommendation from the Planning Department, shall make the following findings:

- 1) That the representations in the application are valid or invalid and the applicant has or has not met one or more of the criteria established in Section X.1;
- 2) That the reasons set forth in the application justify or do not justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land or structure;
- 3) That the granting or denial of the variance will be in harmony with the general

purpose and intent of the Comprehensive Plan and these regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

#### X.5 ACTION

The Planning Commission, after receiving a recommendation from the Planning Department, shall consider the application and approve, conditionally approve or deny it according to the provisions of this section. In granting a variance, the Planning Commission may prescribe appropriate conditions in conformity with these regulations.

#### X.6 ISSUANCE OF PERMIT

Where a variance is required and granted, it shall be issued prior to the issuance of a building permit, and shall be issued subject to the conditions upon which the Planning Commission has determined to grant the variance. Unless a building permit is issued for the development within a period of one year from the date of variance approval, such approval shall expire unless good cause can be shown to the Planning Commission, after review and recommendation by the Planning Department, that the variance should not expire. In the event that good cause is shown, the permission may be extended for up to one, six (6) month period.